

**In the United States District Court
For the Southern District of Georgia
Brunswick Division**

GEORGE EDWIN FLORENCE,

Petitioner,

v.

WARDEN D. EDGE,

Respondent.

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CIVIL ACTION NO.: 2:18-cv-37

ORDER

After an independent and de novo review of the entire record, the Court concurs with the Magistrate Judge's Report and Recommendation. Dkt. No. 16. Petitioner George Florence ("Florence") filed Objections. Dkt. No. 17. In his Objections, Florence asserts he "has standing to challenge" the trial court's "arbitrar[y] delegate[ion] [of] its judicial authority" to the Bureau of Prisons and to the United States Probation Office. Id. at p. 13. Florence is free to challenge what he contends was the improper delegation of judicial authority during his sentencing. However, Florence cannot do so by using 28 U.S.C. § 2241 in an attempt to circumvent 28 U.S.C. § 2255 and its attendant restrictions. Instead, as the Magistrate Judge noted, Florence "is clearly challenging the validity of"

portions of his sentence, which "are the types of claims and requested relief that § 2255 encompasses." Dkt. No. 16, p. 6. Nothing Florence contends in his Objections serves to undermine the Magistrate Judge's analysis and recommended disposition in this case. To the contrary, Florence's Objections underscore the Magistrate Judge's conclusion that Florence is barred from pursuing claims of judicial delegation under § 2241. Id. at p. 7.

Thus, the Court **OVERRULES** Florence's Objections and **ADOPTS** the Magistrate Judge's Report and Recommendation. The Court **GRANTS** Respondent's Motion to Dismiss, **DISMISSES** Florence's § 2241 Petition, **DIRECTS** the Clerk of Court to **CLOSE** this case and enter the appropriate judgment of dismissal, and **DENIES** Florence *in forma pauperis* status on appeal.

SO ORDERED, this 20 day of March, 2019.

HON. LISA GODBEY WOOD, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA